

Message Text

SECRET

PAGE 01 SEOUL 10820 230920Z
ACTION NODS-00

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FM AMEMBASSY SEOUL
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S E C R E T SEOUL 10820

EXDIS - DISTRIBUTE AS NODIS

E.O. 11652: GDS
TAGS: PGOV, KS, US
SUBJECT: TONGSUN PARK AFFAIR: FINAL ADJUSTMENTS NEEDED

REF: A. STATE 305838, B. SEOUL 10790

SUMMARY: AMBASSADOR MEETIS WITH FONMIN. REDRAFT OF PARK
LETTER NOT SEEN AS POSSIBLE. CHANGE REQUIRED PARA8, MPAA.
END SUMMARY.

1. AS INSTRUCTED, I MET WITH FONMIN AFTERNOON DECEMBER 23,
AND EXPLAINED FULLY AND COMPLETELY WITH AS MUCH FORCE AS
POSSIBLE OUR NEED FOR REDRAFT OF TONGSUN PARK LETTER
AND THE REASONS WHY WE FOUND THE PRESENT DRAFT INADEQUATE.
FONMIN LISTENED TO MY ARGUMENTS AND AT THE CONCLUSION SAID
THAT IN HIS VIEW IT WOULD NOT BE POSSIBLE TO OBTAIN A
REDRAFT OF THE PRESENT LETTER. HE EXPLAINED THAT PARK
WAS GETTING ADVICE FROM HIS LAWYERS THAT THE ROKG WAS NOT
OBTAINING ALL THAT WAS POSSIBLE FOR HIM IN ITS NEGOTIATIONS
WITH THE US. HE URGED QUITE STRONGLY THAT WE FOLLOW THE
COURSE OF ACTION SUGGESTED YESTERDAY, THAT I RESPOND TO
THE TONGSUN PARK LETTER AND THAT THEY THEN OBTAIN A
SATISFACTORY REPLY FROM TONGSUN PARK. HE SAID HE WAS
CONVINCED THAT IF TONGSUN PARK WERE PRESSURED TO REDRAFT
HIS LETTER OF DECEMBER 20, HE WOULD BECOME MUCH MORE
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DIFFICULT AND MORE CONVINCED THAT THE ROKG WAS ACTING
AGAINST HSI BEST INTERESTS. I SAID I WOULD REPORT
HIS REACTION TO WASHINGTON AND REQUEST RECONSIDERATION
OF OUR EARLIER PROPOSED COURSE OF ACTION.

2. FONMIN THEN INFORMED ME THAT HE HAD TODAY PARTICIPATED
IN FULL DRESS CABINET REVIEW OF THE JOINT STATEMENT AND

THE MPAA AND WAS ABLE TO OBTAIN AGREEMENT ON ALL BUT ONE MAJOR AND TWO MINOR POINTS. THE MAJOR POINT WAS PARAGRAPH 8 OF THE MPAA. HE ASKED FIRST FOR A DEFINITION OF WHAT WAS MEANT BY QUOTE ENTITIES END QUOTE UTILIZED BY TONGSUN PARK. HE ASKED SPECIFICALLY IF THIS COULD BE INTERPRETED TO APPLY TO THE KOREAN GOVERNMENT. I ASSURED HIM THAT MY UNDERSTANDING WAS THAT IT COULD NOT, BUT AGREED TO SEEK CLARIFICATION FROM WASHINGTON.

3. THE MAJOR PROBLEM, HOWEVER, WAS THE FINAL PHRASE OF THE FINAL SENTENCE OF PARAGRAPH EIGHT QUOTE EXCEPT THOSE CONCERNING OR OCCURRING IN THE PRESENCE OF UNITED STATES OFFICIALS ENDQUOTE. FONMIN SAID HE HAD FAILED COMPLETELY IN HIS EFFORTS TO CONVINCE HIS COLLEAGUES AND HAD BEEN DIRECTED BY ALL OF THEM UNANIMOUSLY TO INFORM ME THAT INCLUSION OF THAT PHRASE NEGATED EARLIER ASSURANCES GIVEN TO THE ROKG. HE SAID IT WENT WELL BEYOND THE STATEMENT MADE IN PARAGRAPH THREE B. OF THE JOINT STATEMENT AND WAS A LAST MINUTE EXPANSION OF THE SCOPE OF INTERROGATION. HE STATED THAT HE NEEDED THE FULL SUPPORT OF ALL OF HIS COLLEAGUES IF HE WERE TO OBTAIN QUOTE FINAL APPROVAL END QUOTE AND THAT THIS WOULD NOT BE POSSIBLE WITHOUT DELETION OF THIS PHRASE. HE SAID THAT HE WAS AWARE THAT, DURING THE COURSE OF INTERROGATION, QUESTIONS BEYOND THE PRECISE SCOPE OF OUR AGREEMENT WOULD BE ASKED. HE SAID THAT WAS INEVITABLE.

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HE COULD NOT, HOWEVER, AGREE TO THE INCLUSION OF EXPANDED WORDING IN THIS SECOND STAGE DOCUMENT. HE NOTED FINALLY THE AGREED SENTENCE IN PARAGRAPH ONE OF THE JOINT STATEMENT WHICH HAD BEEN NEGOTIATED FIRST AND WHICH SAID QUOTE PROVISIONS OF THE AGREEMENT WILL BE CONSISTENT WITH THIS JOINT STATEMENT. WITH THIS CHANGE HE SAID HE WOULD HAVE FULL SUPPORT. I UNDERTOOK TO EXPLAIN HIS POSITION TO WASHINGTON, BUT AT THE SAME TIME SAID THAT WE SAW THE PHRASE IN QUESTION AS IMPORTANT IN PROVIDING FOR A FULL INVESTIGATION.

4. THE OTHER TWO POINTS RAISED BY THE FONMIN WERE MINOR. FIRST, HE REQUESTED THAT PARAGRAPHS FIVE AND SIX IN THE MPAA BE PLACED IN REVERSE ORDER SO THAT THE KOREAN PROSECUTORS WERE MENTIONED EARLY ON. I AGREED AD REFERENDUM TO THIS CHANGE. SECOND, HE REQUESTED THAT THE WORD QUOTE AFTER ENDQUOTE COMING BETWEEN QUOTE FULL IMMUNITY AND, END QUOTE AND QUOTE COMPLETION OF HIS END QUOTE IN PARAGRAPH TWO OF THE JOINT STATEMENT BE CHANGED TO QUOTE UPON END QUOTE TO AGREE WITH WORDING IN PARAGRAPH 4. B. OF THE JOINT STATEMENT. I AGREED TO THIS AD REFERENDUM. HE THEN ASKED IF WE COULD NOT MAKE REFERENCE IN BOTH PARAGRAPHS READ QUOTE AT THE LATEST UPON END QUOTE. HE EXPLAINED

THAT THIS WOULD BE EXTREMELY USEFUL IN SHOWING TO GONGSUN PARK THAT AT LEAST HIS WORKING OUT AND EARLIER DISMISSAL OF THE INDICTMENT WAS NOT FORECLOSED BY THE GOVERNMENT-TO-GOVERNMENT AGREEMENT. I AGREED TO REQUEST THIS BUT WAS NOT CONFIDENT THAT WASHINGTON WOULD ACCEPT IT.

5. COMMENT: CLEARLY, WE ARE DOWN TO THE FINAL POINTS AT ISSUE. WITH REGARD TO OUR TREATMENT OF TONGSUN PARK, I AM INCLINED TO AGREE WITH THE FONMIN THAT WE SHOULD INCREASE THE PRESSURE ON HIM HERE BY MY RESPONDING TO HIS DECMEBER 20 LETTER. AT THE SAME TIME, IT IS IMPORTANT THAT EQUAL PRESSURE BE PALCED ON HUNDLEY IN WASHINGTON SO THAT NO OPPORTUNITY TO WHIPSAW OUR TWO GOVERNMENTS IS PERCEIVED. I WOULD LIKE TO PROVIDE THE FONMIN WITH A
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RESPONSE TO PARK'S LETTER, WHICH REFERS ONLY TO JOINT STATEMENT AND MPAA IN MORNING OF DECEMBER 24 SEOUL TIME.

6. WITH RESPECT TO THE DELETION OF THE LANGUAGE IN PARA. 8, OF THE MPAA, I BELEIVE THAT NEGOTIATIONS COULD BREAK DOWN AT THIS POINT. THE LANGUAGE AS NOW DRAFTED LEAVES OPEN THE POSSIBILITY OF QUESTIONING ALL THE WAY TO THE BLUE HOUSE. FROM THE BEGINNING THE ROK HAS MADE CLEAR THAT IT WOULD NOT ACCEDE TO ANY AGREEMENT THAT CONTAINED THIS POSSIBILITY. THE FONMIN HAS ACKNOWLEDGED THAT DURING THE COURSE OF INTERROGATION QUESTIONS MAY BE ASKED OUTSIDE THE PRECISE SCOPE OF THE AGREEMENT. HE CANNOT, HOWEVER, NOR WILL HIS COLLEAGUES ACCEDE TO LANGUAGE WHICH MAKES THIS SPECIFIC. MORE IMPORTANTLY, EVEN WERE THEY TO AGREE QUOTE FINAL APPROVAL END QUOTE WOULD NOT BE POSSIBLE. I FULLY APPRECIATE THE IMPORTANCE OF THIS PHRASE TO WASHINGTON AND HAVE MADE IT EXTREMELY CLEAR TO THE FONMIN. HOWEVER, IF WE WANT AN AGREEMENT, I SEE NO COURSE OTHER THAN TO DROPPING OF THIS LANGUAGE.
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